

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* application of:

J. Bruce PITNER et al.

Appl. No.: 10/039,799

Filed: January 4, 2002

For: **Binding Protein as Biosensors**

Art Unit: 1654

Examiner: Teller

Atty. Docket: P-5504

Confirmation No.: 9195

Customer No.: 46851

**NOTIFICATION and SUBMISSION UNDER 37 C.F.R. §§1.27(g)(2) 1.28(c)(2)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

At the time of filing the instant application, small entity was incorrectly established on the fee transmittal sheet, dated January 4, 2002. The error in entity status was completely inadvertent. Furthermore, no fees have ever erroneously been paid as small entity fees during the prosecution of the captioned application. Applicants believe, therefore, that no deficiencies of payment of fees are due. Enclosed herein is a calculation of deficiency owed under 37 C.F.R. §1.28(c)(2)(i), showing a zero balance due, and an authorization to debit Deposit Account No. 50-3120, if necessary. If any additional fees are necessary to correct entity status for the above-captioned application, then any such fees are hereby authorized to be charged to account number 50-3120.

NOTIFICATION AND SUBMISSION UNDER 37 C.F.R. §§1.27(g)(2) and 1.28(c)(2)

Serial No.: 10/039,799

Atty. Dkt. No. P-5504

Filing Date: January 4, 2002

Title: Binding Protein as Biosensors

**Calculation and Itemization of Deficiency Owed Under 37 C.F.R. §1.28(c)(2)(i) and (ii)**

The following is a list of each particular type of fee that was paid as a large entity and when the fee was paid. As can be seen, all fees have been paid as large entity throughout prosecution of this application. Accordingly, Applicants believe that no deficiency of payment exists for any fees paid.

| Type of Fee   | Total Amount Paid | When Paid         | Large Entity Fee at Time of Payment | Total Deficiency Owed |
|---|-------------------|-------------------|-------------------------------------|-----------------------|
| Non-Provisional Filing Fees   | \$740.00          | January 4, 2002   | \$740.00                            | \$0.00                |
| Excess Claims Fees<br>(8 claims in excess of 20)                          | \$144.00          | January 4, 2002   | \$144.00                            | \$0.00                |
| Surcharge for Late Filing of<br>Oath or Declaration                       | \$130.00          | April 18, 2002    | \$130.00                            | \$0.00                |
| 3 Month Extension of Time<br>for Responding to Restriction<br>Requirement | \$950.00          | January 22, 2004  | \$950.00                            | \$0.00                |
| Request for Continued<br>Examination                                      | \$790.00          | March 18, 2005    | \$790.00                            | \$0.00                |
| 2 Month Extension of Time<br>for Responding to Final Office<br>Action     | \$450.00          | March 18, 2005    | \$450.00                            | \$0.00                |
| Information Disclosure<br>Statement under 37 C.F.R.<br>§1.97 (c)(2)       | \$180.00          | June 29, 2005     | \$180.00                            | \$0.00                |
| 1 Month Extension of Time<br>for Responding to Non-Final<br>Office Action | \$120.00          | December 21, 2005 | \$120.00                            | \$0.00                |
| <b>TOTAL DEFICIENCY<br/>OWED</b>  |                   |                   |                                     | <b>\$0.00</b>         |

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If this calculation is in error, the Commissioner is hereby authorized to charge Deposit Account No. 50-3120 in any amount necessary for payment of any deficiency owed.

Respectfully submitted,

Date May 1, 2004

By Todd B. Buck

Castellano Malm Ferrario & Buck PLLC

Todd B. Buck

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being facsimile transmitted or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this \_\_\_\_ day of September, 2005

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature